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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,583	12/05/2001	Ralf Bertram	DE920010035US1	3541

7590 12/29/2003

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EXAMINER
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SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/007,583

Applicant(s)

BERTRAM ET AL.

Examiner

Cristina O Sherr

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1 – 7 have been examined in this case.

#### 2. *Specification*

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hosken (US 6,438,579B1).

5. Regarding claim 1 –

Hosken discloses a computerized method for generating a recommendation of an item to an advisee, comprising the steps of: receiving a recommendation request from an advisee for a recommendation by a recommendation system; in response to the recommendation request, computing a plurality of similarity factors that indicate similarity between the advisee and a plurality of users of the recommendation system who have previously provided ratings of a plurality of items; selecting, from the plurality

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of users of the recommendation system, neighboring users to the advisee, according to the similarity factors; generating a recommendation of at least one item of the plurality of items, according to the previously provided ratings of the plurality of items by the neighboring users (col 2 ln 23 – col 3 ln 33).

6. Regarding claim 2 –

Hosken discloses the method of claim 1, wherein the recommendation request includes a selected item list, and wherein all items upon which the step of computing depends are included in the selected item list (col 5 ln 20-41).

7. Regarding claim 3 –

Hosken discloses the method of claim 2, wherein the recommendation of at least one item includes only items that are included in the selected item list (col 6 ln 51-67).

8. Regarding claim 4 –

Hosken discloses the method of claim 1, wherein the step of selecting neighboring users excludes any user whose similarity with the advisee is below a predetermined threshold (col 9 ln 23-52).

9. Regarding claim 5 –

Hosken discloses the method of claim 1, wherein the step of step of computing and the step of selecting are executed substantially in parallel by inserting each newly computed similarity factor into a neighbor list in decreasing order of similarity and by limiting length of the neighbor list by excluding a user with lowest similarity if otherwise the neighbor list would exceed a predetermined length (col 9 ln 39-64).

10. Regarding claim 6 –

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Hosken discloses the method of claim 1, further including the step of caching identifiers of the neighboring users, associated similarity factors, and time stamps (Table I, col 7 ln 60 – col 8 ln 36).

11. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Hosken (US 6,438,579B1).

12. Hosken discloses a user profile for a recommendation system, comprising a plurality of records, each record including a user identifier, an item identifier, and a rating value, wherein each record is linked in a first and a second dimension, the first dimension linking records with a same user identifier in a sequence according to the item identifier, and the second dimension linking records with a same item identifier in a sequence according to the user identifier (Table I, col 7 ln 60 – col 8 ln 36).

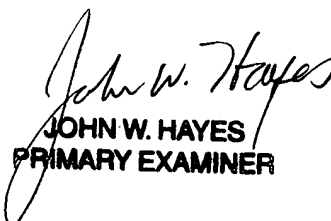
13. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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15. Schuetze et al (US 6,564,202B1) discloses a system and method for visually representing the contents of a multiple object data cluster.
16. Schuetze et al (US 6,567,797B1) discloses a system and method for providing recommendations based on multimodal user clusters.
17. Pyo (US 6,636,836B1) discloses a computer readable medium for recommending items with multiple analyzing components.
18. Schuetze et al (US 6,598,054B2) discloses a system and method for clustering data objects in a collection.
19. Bieganski et al (US 6,412,012B1) discloses a system, method and article of manufacture for making compatibility-aware recommendations to a user.
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.
22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
JOHN W. HAYES  
PRIMARY EXAMINER

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